IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R. No. 2139 of 2007

DATE OF DECISION : 24.04.2007

Jai Pal Mittal

.... PETITIONER

Versus

Bhupinder Kumar

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. Upinder Kaur Bedi, Advocate,
for the petitioner.

Jai Pal Mittal, the landlord, has filed this petition under Article 227 of the Constitution of India for setting aside the order dated 29.3.2007, passed by the Rent Controller, Ludhiana, whereby the provisional rent at the rate of Rs. 800/- per month has been assessed.

It is case of the petitioner that the rent of the demised premises is Rs. 1,500/- per month, but the Rent Controller has assessed the provisional rent, as claimed by the tenant.

After hearing counsel for the petitioner, I do not find any ground to set aside the impugned order, as in my opinion, no prejudice is going to be caused to the petitioner. In case, the Rent Controller finally comes to the conclusion that the rate of rent is Rs. 1,500/- per month, then the tenant is liable to pay the said amount, otherwise he has to face ejectment in view of the law laid down by the Supreme Court in ***Rakesh Wadhawan and others*** v. ***M/s. Jagdamba Industrial Corporation and others,*** 2002 (2) PLR 370. Thus, I do not find any illegality in the impugned order and it does not require interference by this court.

Dismissed.

April 24, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**